IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Con.Case(C).No. 718 of 2007(S)
(order dtd.13.4.07 in W.P(C).11704/07)

PETITIONER/7TH PETITIONER IN W.P.(C)

K.P.KUMARAN,
AGED 49 YEARS, S/O.K.A.PARAMESWARAN,
WORKING AS SDE, OONNUKAL, KOTHAMANGALAM.

BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH.

RESPONDENTS: 1ST RESPONDENT IN W.P.(C)

SRI.A.K.SINHA,
AGED (NOT KNOWN TO THE PETITIONER),
S/O.(NOT KNOWN TO THE PETITIONER),
CHAIRMAN AND MANAGING DIRECTOR,
BSNL, STATESMAN HOUSE, NEW DELHI.

BY ADV.SRI.M.V.S.NAMPOOTHIRY.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

C.O.C(C).No.718 OF 2007

Dated this the 29th day of May, 2007

JUDGMENT

The complaint of the applicant is that the respondent has violated Annexure A1 order in making an order of transfer and that the alleged violation of the guidelines for transfer amounts to violation of the directions contained in Annexure A1 that the transfer shall be made in accordance with guidelines. While it is obligatory for the respondent to have followed the guidelines, going by the contents of Annexure A1, it is not appropriate to enter on an adjudication as to whether the transfer guidelines have been strictly adhered to or not in the matter of making transfer. While it may or may not be justiciable before a writ court, the situation in hand does not demonstrate a case of willful disobedience warranting initiation of proceedings under the Contempt of Court Act. Under such circumstances, without prejudice to any of the rights of the petitioner to seek redressel against the order of transfer, if he is aggrieved thereby, this contempt case is closed.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.